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International Covenant on Civil and Political Rights

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Human Rights Committee
113th session

Summary record of the 3142nd meeting
Held at the Palais Wilson, Geneva, on Thursday, 19 March 2015, at 3 p.m.

Chairperson: Mr. Salvioli

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The meeting was called to order at 3.05 p.m.

Consideration of reports submitted by States parties under article 40 of the Covenant (*continued*)

Fourth periodic report of Cyprus (CCPR/C/CYP/4; CCPR/C/CYP/Q/4 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Cyprus took places at the Committee table.*

2. **Ms. Koursoumba** (Cyprus) said that the Committee's concluding observations regarding the third periodic report of Cyprus had been posted on the official website of the Law Commissioner, along with the State party's fourth periodic report and its replies to the list of issues. The Government cooperated closely with all United Nations monitoring bodies and with all similar European regional agencies and was up to date in the fulfilment of its reporting obligations. Since Turkish military forces continued to illegally occupy more than one third of the country, the Government was unable to ensure the enjoyment of civil and political rights by inhabitants of the occupied area, as the Office of the United Nations High Commissioner for Human Rights had acknowledged in its annual reports.

3. Since the end of the reporting period, significant progress had been achieved in the implementation of the Covenant, including the enactment of anti-discrimination laws, the adoption of national action plans, the establishment of a number of independent oversight mechanisms, such as the Independent Authority for the Investigation of Allegations and Complaints Against the Police, and the introduction of reforms in the education system. At the recommendation of the European Commission against Racism and Intolerance and the Office of the Ombudsman, the Ministry of Education and Culture had compiled a code of conduct for countering racism and a guide for handling and reporting racist incidents in schools. The police and the Ombudsman had worked together on a policy statement concerning discrimination and racist offences which focused on deterrents, victim support and protection, and effective investigation. At the urging of the Ombudsman, the Ministry of the Interior had drafted a bill on the establishment of a civil partnership pact. That bill had gone through a public consultation process and would shortly be submitted to the House of Representatives for adoption. In 2014, legislation governing the Office of the Ombudsman had been amended to ensure that the Government followed through on its obligation to implement that institution's recommendations. If the Office of the Ombudsman was dissatisfied with the reports it received from the authorities, it could bring the issue to the attention of the parliament and make it publically known that its recommendations had not been acted upon.

4. The police had launched a programme, in cooperation with the Cyprus Red Cross, to provide psychological support to detainees at the Menoyia detention centre and their families. The detention of persons awaiting expulsion to another country was strictly regulated under the Aliens and Immigration Law and was to be used only as a last resort. At the behest of the Commissioner for Children's Rights, the relevant ministries had adopted a policy decision on enhanced cooperation with a view to avoiding the separation of children from their mothers. When a national of a country that did not belong to the European Union who was being held in detention prior to deportation submitted an application for international protection, the deportation order was suspended and the application was considered under an accelerated procedure; if no decision was taken within 30 days, the person was released. Applicants for international protection received a leaflet on their right to free legal assistance.

5. In its capacity as the national mechanism for the prevention of torture, the Office of the Ombudsman closely monitored the work of the authorities to ensure compliance with international standards. As of 2014, the State had acted in accordance with all of the

Ombudsman's recommendations regarding the prison system, and the first phase of the reform of that system had been successfully completed. Furthermore, in April 2014, the Ombudsman and the Ministry of Justice had issued joint guidelines on suicide prevention among persons deprived of their liberty, and no incidents of self-harming had been recorded since October 2014. The Ombudsman also provided training in human rights and non-discrimination to prison personnel. Since 2014, clerics of any religious denomination had unfettered access to prisons when their services were requested by an inmate.

6. The Ombudsman had launched an awareness-raising campaign, co-funded by the European Commission, for the prevention of violence against women. Social welfare services lent financial and technical support to the non-governmental organization (NGO) that operated the crisis centre, the shelter and European helplines. Amendments to the Criminal Code that were in the pipeline would introduce the notion of stalking, in line with the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence. On another front, a school mediation programme had been set up for teachers and pupils at the primary and secondary levels as an alternative approach to discipline. The best interests of the child were the prime consideration in family affairs.

7. Measures that had been adopted in the field of education included the allocation of additional resources to prevent vulnerable students from dropping out of school or becoming delinquents; the establishment of a task force on school violence; and the adoption of a policy on school bullying. In order to implement that policy, a circular had been distributed to all schools, guidelines had been issued to teachers at all levels and in-service training would be made available.

8. The Civil Registry and Migration Department was reviewing the criteria applying to the employment of domestic workers in order to simplify procedures and eliminate grey areas that might lead to unfair treatment of such workers. The National Referral Mechanism was also under review to ensure compliance with new legal provisions on trafficking in persons. The Government and the International Organization for Migration (IOM) had signed an agreement on the establishment of an IOM office in Cyprus that would also help to step up efforts to develop a comprehensive migration policy. The capacity of the Kofinou reception centre had expanded from 70 to 400 places, and living conditions there had vastly improved. The new emergency reception centre had been used for the first time in September 2014 to house over 330 Syrians and Palestinians who had been rescued at sea. Local authorities were increasingly involved in migrant integration programmes that assisted migrants to meet their daily needs, encouraged their interaction with the local population and their participation in community life, and provided free psychological services. The Ministry of the Interior had instructed the Civil Registry and Migration Department to discontinue the practice of requiring a paternity test in order to register children born of mixed marriages.

9. Referring to the confiscation by police of photographs displayed at an exhibition held by a lesbian, gay, bisexual and transgender (LGBT) rights organization on the grounds that they were obscene and, consequently, illegal, she said that the Ombudsman had issued a report on freedom of artistic expression and, on that basis, the Attorney General had decided not to initiate criminal proceedings against that organization.

10. The Government remained committed to furthering the enjoyment of civil and political rights despite the economic crisis, but maintaining the flow of the necessary resources for the continued roll-out of programmes to promote equality and safeguard rights was a challenge.

11. **Mr. Shany** said that, while it was regrettable that the State party had submitted its report 10 years late, the comprehensiveness and quality of its report and its replies clearly demonstrated the State party's commitment to human rights. He welcomed the steps taken

to strengthen the Office of the Ombudsman and to obtain its accreditation with the International Coordinating Committee of National Human Rights Institutions. He would like to know, however, why it was still unable to recruit its own staff, how the budget allocation process worked, whether the Office received the necessary resources to fulfil its multiple mandates, whether it had any Turkish-speaking staff and whether it published its reports in Turkish.

12. He invited the delegation to comment on what it considered to be the most serious practical difficulties arising from the prolonged division of the country. He wondered to what degree the situation complicated the investigations of the Committee on Missing Persons, and he would like to know to what extent human rights were factored into the new round of peace negotiations. He noted that the State party had not provided any information on the role of women in the peace process, and he would be interested in learning more about any steps taken to implement the two recommendations made in that connection during the universal periodic review. He would also like to know if any effort was being made to expand the scope of the principle of equality to encompass gender as well as ethnicity.

13. Welcoming the repeal of article 54 of the Children's Law, which had authorized the use of corporal punishment in schools, he wished to know what the penalties were for the use of corporal punishment and whether anyone had yet been prosecuted under the amended law. While he was pleased to note the involvement of the Office of the Ombudsman in addressing the issue of domestic violence, he would like to know whether its recommendations were being implemented and, if not, why, especially since the number of domestic violence cases had risen sharply in recent years. He wished to know why the number of investigations, prosecutions and convictions remained low in comparison to the number of reported cases, whether that might suggest that victims were choosing not to press charges and why nearly three quarters of the offenders who were convicted were only fined. He would like to learn more about how the particular concerns of migrants and ethnic minorities were taken into account in government policies and programmes on domestic violence. Did the State party have or plan to establish a rape crisis centre? What services were currently available to victims of rape or sexual assault? With regard to the legal framework, he wished to know whether the State party was considering refining the definitions of "violence" and "protected persons", whether it was true that cases were dropped if victims did not file an official complaint or withdrew their complaint, and whether victims who did not file a complaint and third-country nationals who were victims of domestic violence were entitled to social services.

14. **Mr. Fathalla** said that he would appreciate further information on the application of nationality laws and was particularly interested in learning whether the children of Turkish Cypriots were discriminated against, why some citizenship applications went unanswered for as long as 10 years and whether clear criteria for the granting of citizenship would be defined. In reference to paragraph 17 of the replies, he asked what classifying a case as "undetected" signified and how the persons investigating the fire at the mosque in Limassol had come to that conclusion. He welcomed the steps taken to combat discrimination, as described in paragraphs 11 to 20 of the replies, and wished to know whether the Code of Conduct against Racism was in place and, if so, what its results had been thus far. He invited the delegation to comment on reports that racist attacks against Turkish Cypriots and persons of other nationalities had increased during the reporting period.

15. **Ms. Waterval** asked what the impact of the previous national action plan on gender equality had been and whether there was a gender balance in the country's schools.

16. **Mr. Seetulsingh**, referring to paragraph 41 of the replies to the list of issues, asked how many missing Greek Cypriots were still unaccounted for and how many of the families of missing Turkish Cypriots had availed themselves of the access-to-information

mechanism. He wished to know whether any evidence of unlawful acts had been uncovered in the course of the investigation of missing persons cases; whether any perpetrators of forced disappearances had been found, tried and punished; whether access to archives and military zones might be granted; and whether the families of victims were entitled to any psychological support or financial compensation. Was it true that the authorities did not investigate the disappearances of Turkish Cypriots as diligently as those of Greek Cypriots?

17. He noted that numerous measures had been adopted in an effort to put a stop to police brutality and hoped that they would be fully implemented. However, he was concerned that so few complaints had been filed and so few persons had been prosecuted despite the establishment of the Independent Authority for the Investigation of Allegations and Complaints Against the Police. He therefore wondered how independent the Authority really was, to what extent it was accountable to the Attorney General, why its members were selected from a list drawn up by the Attorney General and were appointed by the Council of Ministers, and why civil society was not represented among them. He would like to know whether the code of conduct mentioned in paragraph 49 of the replies would be applicable in detention centres and how many cases of misconduct had been referred to the chief of police for disciplinary action. The Committee had heard reports of the use of tear gas against migrants at the Menoyia detention centre, and he would like to know if there had been any investigations into such incidents and, if so, what their outcomes had been. Lastly, he wondered whether the State party might reconsider its ban on the appointment of Turkish Cypriots to the judiciary.

18. **Mr. Bouzid** said that, in the reply to question 10 of the list of issues concerning the deportation of asylum seekers, the State party had claimed that no refugee or applicant would be deported to a country where his or her life or freedom would be put at risk or where he or she would be subjected to torture. The Committee had been informed, however, that the screening procedures for possible torture victims were not in conformity with the Istanbul Protocol, since the Medical Council assigned only a physician and a pathologist to conduct examinations. In 2013, the Cypriot authorities had undertaken to have a psychologist assigned to the team as well, but since then a number of cases had been assessed without the presence of a psychologist. The Committee had also been informed that no official interpreter was present during examinations and that, in some cases, children as young as 13 years of age had been asked to serve as interpreters and to provide an account of the torture, including sexual violence, to which their parents had been subjected. The Medical Council had also reportedly dismissed claims of torture in a number of cases although signs of physical torture had been apparent and had subsequently been confirmed by independent experts.

19. He invited the delegation to provide the list which had been requested earlier of the countries to which asylum seekers had been expelled or deported. The Committee had been informed that the principle of family reunification was not respected under Cypriot law and that many Syrians therefore refrained from seeking asylum on that ground. Did Cyprus intend to amend the law in order to incorporate that principle? In its reply to question 12 of the list of issues, the State party had described the procedures used to ensure that the detention of migrants and asylum seekers was used only as a last resort. Nevertheless, in a report published in 2014, Amnesty International had stated that immigration authorities routinely detained hundreds of migrants and asylum seekers in prison-like conditions for extended periods of time prior to their deportation and that, in some cases, women had been separated from their young children. In addition, a number of Syrian nationals had reportedly been detained, although it was the State party's official policy not to extradite Syrians to their country. Apparently asylum seekers who had filed an appeal against a deportation decision could still be held in detention under Cypriot law, although the European Court of Human Rights had ruled that doing so would constitute a breach of the Convention for the Protection of Human Rights and Fundamental Freedoms. In fact, the

Committee had been informed that the Ministry of the Interior did not permit the release of persons against whom a deportation order had been issued and who had subsequently applied for asylum. He asked whether the authorities were planning to amend the relevant legislation.

20. The State party had been requested, in question 13 of the list of issues, to provide statistics on the number and ages of the migrants and asylum seekers currently held in detention while awaiting deportation and on the length of time that they had spent in detention. Could the delegation provide that information? It was his understanding that article 30 of the Constitution provided for the provision of free legal assistance, but the Committee had been informed that asylum seekers did not receive legal assistance during the early stages of the refugee status determination process. He wondered whether the authorities were willing to amend the legislation so that asylum seekers would have access to a lawyer at all stages of the process.

21. **Ms. Cleveland**, referring to question 5 of the list of issues, said that, while the State party had drawn attention to the fact that women occupied a number of senior positions in the Government and played quite a prominent role in the civil service and the judiciary, it had also noted that a significant gender gap remained and that stereotypes and patriarchal attitudes persisted. She would like to know how those issues were addressed in the current National Action Plan on Gender Equality and what steps were being taken to address wage disparities and to promote the participation of women in economic and political life.

22. Turning to question 14 of the list of issues, she noted the efforts undertaken by the State party to prevent deaths in custody, particularly suicides, and to develop guidelines for prison staff and inform them about their obligations under international legal instruments. Statistics would be appreciated on recent deaths in prisons, their causes and any subsequent prosecutions and their outcomes, as well as on recent incidents of harm and attempted self-harm by prisoners. She asked whether the State party had fully implemented the recommendations in paragraph 77 of the report of the European Committee for the Prevention of Torture concerning the establishment of a comprehensive suicide prevention and management approach and, if not, what steps it was planning to take. She would appreciate more detailed information about the action being taken to prevent inter-prisoner violence and gang rape and to punish those responsible for such incidents. She welcomed the fact that solitary confinement was used as a correctional measure only in cases of serious misconduct and that it was limited, in most cases, to two days in duration. She enquired about the criteria used to determine what constituted serious misconduct and asked whether the duration of solitary confinement could be extended at the discretion of a prison official. She would also like to know what steps had been taken to introduce the legislative amendments regarding solitary confinement that had been recommended in paragraph 15 (c) of the concluding observations of the Committee against Torture in July 2014 (CAT/C/CYP/CO/4).

23. **Mr. de Frouville**, referring to the State party's reply to question 6 of the list of issues, said that it was unclear which benefits were covered by the amendments that had been introduced to give children of internally displaced women the same status as children of internally displaced men. It also seemed, judging from paragraph 34 of the replies, that inequality in electoral rights persisted. Had any measures been taken to restore equality in that respect?

24. Turning to question 14, he welcomed the closure of the wings of the central prison that had been used to hold immigrants. He was also pleased to note that the immigrant detention centre in Monoyia was not overcrowded and that a psychological treatment programme was being introduced in that facility. According to the European Committee for the Prevention of Torture, however, detention conditions in the facility did not fully meet

international standards. He asked what steps were being taken to respond to the European Committee's recommendations and to address the general problem of prison overcrowding.

The meeting was suspended at 4.20 p.m. and resumed at 4.45 p.m.

25. **Ms. Koursoumba** (Cyprus) said that the mandate of the highly respected Ombudsman's Office was very broad and included duties that other countries usually assigned to different authorities. Cyprus was a small country with limited resources, and although the Office required more staff, it had not requested an increase in its budget in recent years. Like many other public institutions, the Ombudsman's Office would very much like to include the Turkish language in its reports and on its website. However, translation into Turkish presented quite a challenge, especially since Turkish Cypriots had not participated in government institutions since 1964. Submission of the application to the International Coordinating Committee of National Human Rights Institutions for accreditation of the Ombudsman's Office had been delayed for technical reasons, but it would probably be considered at the Coordinating Committee's next session, and the reply was expected to be favourable.

26. Corporal punishment in the family and in schools had been prohibited long ago. The Violence in the Family Law of 2000 strictly prohibited all forms of violence and psychological punishment. Moreover, any person who became aware of a case of violence against a minor or a person with severe mental or psychological disabilities and failed to report it was committing an offence. Cyprus was a pioneering country in the effort to put an end to domestic violence and had enacted highly progressive legislation to combat such violence 10 years earlier. The fact that more complaints were being filed was a welcome development, since it reflected the impact of the country's awareness-raising campaign. Women now had the courage to speak out. It was not always easy to prove beyond a reasonable doubt that an offence had been committed, especially in the case of psychological forms of violence, and witnesses sometimes withdrew their complaints. It was therefore important to change people's attitudes and broaden the legislation further.

27. The Committee on Missing Persons was composed of Greek Cypriot and Turkish Cypriot members and an international expert nominated by the International Committee of the Red Cross and appointed by the Secretary-General of the United Nations. Its mandate was limited, since it was authorized to identify remains but not to investigate the causes of death or to attribute responsibility. The Government was pressing for a change in that regard. The judgements handed down by the European Court of Human Rights in cases concerning violations of the human rights of the families of missing persons had gone against Turkey. Cases brought in the same court against Cyprus had been dismissed. Successive Cypriot Governments had done their level best to determine the tragic fates of missing persons. As at September 2014, the fates of 1,175 of the 1,619 missing Greek Cypriots and of 174 of the 502 missing Turkish Cypriots were still unknown. The Cypriot Government had made all relevant archives available to the Committee but the Turkish Government had not done so.

28. In response to an earlier question about the absence of persons of Turkish origin in the judiciary, she said that, although Cyprus had been established in 1960 as a bicommunal State, following the withdrawal of representatives of the Turkish community in the wake of the intercommunal conflict of 1963 and 1964, legislation had been enacted, out of necessity, to enable the State to function on the basis of Greek Cypriot representation alone. It was hoped that reconciliation could be achieved in due course. Civil society was already making progress in that direction, and there was increasing interaction between political parties. The United Nations Development Programme was also implementing a number of projects from which both communities benefited.

29. Efforts were being made to bridge the remaining gender gap in the public sector and the judiciary. The National Action Plan on Gender Equality for 2014–2017 would incorporate the findings of the assessment of the implementation of the preceding plan and all the recommendations made to Cyprus by the Committee on the Elimination of Discrimination against Women.

30. **Ms. Andreou** (Cyprus) said that the new gender equality action plan would be more focused and comprehensive than the preceding plan. The amended version of the Manual of Interdepartmental Cooperation on Domestic Violence would ensure closer cooperation in carrying out case-by-case assessments of the severity of violent incidents. A separate manual on family violence against children would be prepared. As a way of encouraging people to report cases of violence against women and children, family counsellors were allowed to accept anonymous referrals. Victims who did not wish to file a complaint were offered counselling by welfare officers, information on their basic rights and options, and psychological support. Migrants were provided with the same level of support as Cypriot nationals.

31. The financial crisis had placed the female workforce at a particular disadvantage because most women were in unskilled or low-skilled occupations and lacked job security. The Labour Relations Department had launched a project to reduce the pay gap in July 2010 that would run until the end of 2015. The project, which had a budget of €3 million, was co-financed by the European Social Fund and consisted of a broad mix of measures aimed at combating the root causes of the gender pay gap. Project activities included the improvement of inspections to monitor the application of equal pay legislation, the establishment of a gender equality certification body and the examination of collective agreements to detect any discriminatory pay provisions. Action was also being taken in the education sector to eliminate occupational and sectoral segregation.

32. The Gender Equality Committee was established in 2002 to promote social dialogue among representatives of employers, employees and NGOs. It made suggestions concerning labour laws and regulations, proposed projects, conducted research, compiled statistics on gender equality in employment, and submitted or forwarded complaints concerning violations to labour inspectors. It provided victims of discrimination with assistance, including legal representation in court. The Committee also promoted the dissemination through media outlets of information concerning gender pay equality.

33. **Ms. Argyropoulou** (Cyprus) said that the detention of illegal immigrants was regulated by the Aliens and Immigration Law and was carried out in compliance with the relevant European Union directive. When a decision to return an individual to his or her country of origin could not be implemented, he or she was granted conditional release. Although the duration of detention could be extended, it never exceeded 18 months. Deportation decisions upheld the principle of non-refoulement and, if a third-country national or person residing illegally in Cyprus applied for international protection while in detention, the deportation order was suspended and the Asylum Service was immediately informed so that the issuance of a decision could be expedited and the duration of detention minimized. If the Asylum Service or reviewing authority failed to reach a decision within 30 days, conditional release was granted. The law placed priority on the best interests of the child, and efforts were made to prevent the separation of children from their mother or from their father if he was a single parent. If both parents were residing illegally in Cyprus, they were not detained, but allowed to set a date for their voluntary departure and to live with their child in the meantime, subject to certain conditions.

34. All deportation orders applying to Syrians had been suspended, and all Syrian nationals, including failed asylum seekers, who possessed valid identity documents, whether residing legally or illegally in Cyprus, could apply for a temporary residence and work permit. As for the question regarding family reunification, many Syrians had family

members in other European countries and often did not wish to apply for asylum in Cyprus because of restrictions under the Dublin Regulation. The Refugee Law had been amended to provide for family reunification for recognized refugees.

35. **Ms. Dimitriou** (Cyprus) said that police referred domestic violence cases to the courts if there was sufficient evidence, even in the absence of an official complaint from the victim. It was true that charges in such cases were sometimes difficult to prove, particularly when they related to psychological violence. Sentencing for domestic violence offences was strict and was based on all the available evidence.

36. Members of the Independent Authority for the Investigation of Allegations and Complaints Against the Police were appointed for five years, and mechanisms were in place to ensure its members' objectivity. The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment had commented favourably on its work.

37. The use of tear gas in the Menoyia detention centre had been investigated by the Ombudsman, who had found that the officers had reacted proportionally. The staff had been informed of the zero-tolerance stance regarding human rights violations and was aware of issues relating to ill-treatment and the use of force. Measures had been adopted by the Government to foster a change in culture and prevent ill-treatment. A significant number of complaints of ill-treatment by the police had been received. The Ministry of Justice and Public Order had launched a website where complaints could be submitted, and independent monitoring mechanisms had been strengthened. The relevant authorities consulted with the Ombudsman regarding the findings published in her reports and reported to her on the action taken to comply with her recommendations. All officials were required to cooperate with the Ombudsman; refusal to do so was a disciplinary offence. Conditions in detention centres had been deemed satisfactory by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, but further improvements could be made, particularly in connection with the strict measures implemented at the Menoyia centre; the chief of police had been instructed to implement more appropriate procedures.

38. Prison overcrowding had been reduced by increasing capacity and by downsizing the prison population through the use of electronic monitoring devices, the decision to house inmates at risk of suicide in a special unit, a greater reliance on suspended sentences and the transfer of foreign detainees to serve their sentences in their home countries. The first phase of the prison reform programme had focused on improving living conditions, protecting vulnerable persons, changing the culture of prison management and fostering social reintegration. That phase had been completed and had been evaluated positively by the Ombudsman. The adoption of a human rights-based approach in which any form of ill-treatment was unacceptable and punishable was reflected in the types of steps taken to prevent and manage incidents. For the first time, prison officers accused of engaging in ill-treatment had been suspended from duty, and all allegations of physical ill-treatment made by inmates were investigated. The prison administration was being restructured, and the newly appointed prison director fully embraced the human rights-based approach. The Government, rather than the prison administration as such, now designed prison policy and monitored its implementation, and all unnecessary measures of restraint or control had been eradicated. Efforts were being made to comply with the Ombudsman's recommendations and, following consultations with stakeholders, a reform programme that provided for short-, medium- and long-term actions had been drawn up. The discretionary powers of prison staff had been reduced, and prison officers had to obtain the approval of the prison administration in order to place an inmate in solitary confinement. Officers failing to comply with that new procedure would be disciplined. A review of prison regulations was

to be carried out by the prison director, the Ministry of Justice and Public Order and an independent committee appointed by the Council of Ministers.

39. All inmates now had the right to open visits and to visits from a chaplain of the religion of their choosing. The number of permitted visits had been increased and a handbook on prison visits was being prepared. The allowable number and duration of telephone calls had also been increased. Additionally, video-voice calls via computer had recently been authorized. Inmates could have their requests recorded and examined by prison administrators; they could also contact an officer who liaised with the Ministry of Justice and Public Order on a daily basis.

40. Inmates had the benefit of a work, education, sport and activities programme, and the Ministry of Education and Culture was updating the instructional programme for inmates and aligning it with the national vocational training system so that they could continue their training after their release. Particular attention was devoted to the education of young prisoners and those with special needs.

41. Suicide prevention measures included interviews with each inmate upon admission, the recording of specific instructions pertaining to vulnerable inmates each day, and daily communication between prison management and prison doctors. A special facility housed inmates at risk of suicide, the solitary confinement unit, vulnerable inmates and those requiring protection from other inmates. Before being assigned to that unit, prison officers underwent two weeks of intensive training. Statistics on self-harm and on attempted suicide and suicide in prison had not been kept prior to 2013, but figures recorded since then indicated that incidents were becoming less frequent.

The meeting rose at 6 p.m.

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Summary record of the 3143rd meeting
Held at the Palais Wilson, Geneva, on Friday, 20 March 2015, at 10 a.m.

Chairperson: Mr. Salvioli

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Please recycle

The meeting was called to order at 10.05 a.m.

Consideration of reports submitted by States parties under article 40 of the Covenant (*continued*)

Fourth periodic report of Cyprus (continued) (CCPR/C/CYP/4; CCPR/C/CYP/Q/4 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Cyprus took places at the Committee table.*

2. **Mr. Shany** said that he would appreciate information on the involvement of civil society groups, particularly NGOs, in the preparation of the State party report.

3. **Mr. Seetulsingh** asked whether any Turkish Cypriots had been recruited in the police force or judiciary and, if not, whether there were plans to do so. The delegation should indicate whether the Government would consider giving effect to the Constitution of 1960 in that regard.

4. **Mr. de Frouville** said that he had not heard responses to certain questions. He had sought clarification on the interpretation of the term "existing benefits" mentioned in paragraph 33 of the replies to the list of issues (CCPR/C/CYP/Q/4/Add.1) and asked whether the children of internally displaced persons (IDPs) continued to face discrimination in the enjoyment of their electoral rights.

5. **Ms. Koursoumba** (Cyprus) said that, to ensure objectivity, the information in the periodic report had been scrutinized and cross-checked with input from independent monitoring bodies, which took account of the views of civil society.

6. The constitutional breakdown of 1963 had led to Cyprus being run by the Greek community alone and the participation of Turkish Cypriots as provided for in the Constitution was contingent on the withdrawal of occupying troops from the island.

7. Pursuant to a decision of the Council of Ministers, the children of all IDPs, men and women, had equal access to social benefits. As a result of the financial crisis, however, no funds were available to provide assistance. It had been decided not to extend voting rights to the children of IDP women as doing so would skew the weighting given to the administrative districts of Famagusta and Kyrenia under the system of proportional representation used to allocate seats in the House of Representatives. Restoring the fundamental human rights and freedoms of a large part of the population was the essential purpose of negotiations during the settlement process. Cyprus had the largest number of IDPs per capita in the world, so a positive outcome to the talks would go a long way towards redressing human rights violations.

8. Women had been involved in the peace process from the beginning and had played a significant role in bicommunal bodies and technical committees aiming, inter alia, to eradicate domestic violence and violence against women, particularly through awareness-raising. The Government encouraged NGOs working to further the implementation of United Nations Security Council resolution 1325 (2000) to contribute to peace talks and engage with stakeholders.

9. Racially motivated attacks against Turkish Cypriots were declining in number and mainly involved damage to vehicles. Although such incidents were very rare, particularly given the high volume of traffic entering the area under the control of the Republic, the Government's aim was to prevent them completely.

10. **Ms. Argyropoulou** (Cyprus) said that the criteria for granting citizenship, which were clearly defined in national legislation, were the same for all children whose mother or father was of Greek Cypriot or Turkish Cypriot origin. Foreign parents, whose nationality

was not taken into consideration, had to be legal residents of the Republic. All applicants were informed of their rights, which included the possibility of requesting the Council of Ministers to examine their case on an exceptional basis. The Government was looking into ways of expediting the application process. Cases were dealt with chronologically unless humanitarian grounds dictated otherwise. According to the data available, there had been a substantial number of successful applicants of South Asian origin.

11. Persons claiming to be, or suspected of being, victims of torture, were referred to a doctor and, if necessary, other health professionals. All personnel working with asylum seekers received training in the Istanbul Protocol. The absence of torture did not have a negative bearing on an applicant's chances of success and no person was returned to a country where there were substantial grounds for believing that he or she would be in danger of being subjected to torture. Although efforts were made to provide trained interpreters for all asylum interviews, it had proved difficult to find language professionals for certain dialects. Nevertheless, all asylum seekers were informed of their rights in a language that they could understand and received leaflets informing them about the authorities handling their requests. Moreover, they were entitled to free legal aid throughout the application process and the Government cooperated with a large number of NGOs offering such assistance.

12. **Ms. Dimitriou** (Cyprus) said that, owing to a lack of evidence, police had been unable to identify any suspects in connection with the arson attack on Koprulu Haci Ibrahim Aga mosque. The case of an alleged prison gang rape was currently before court. The victim, who had not reported the incident, had undergone thorough medical examinations and was receiving protection. The Independent Authority for the Investigation of Allegations and Complaints against the Police had referred seven cases to the chief of police for disciplinary action and forwarded seven recommendations for improvements in the handling of investigations.

13. **Mr. Bouzid** asked how many complaints from domestic and agricultural workers had been received by the Aliens and Immigration Department, how many cases had been passed on to the Attorney General's Office, whether the Department had branches outside the capital and whether the 245 complaints from 2013 mentioned in paragraph 130 of the replies to the list of issues related to sexual or labour exploitation.

14. He would welcome additional information on the joint inspection units set up in April 2009. The delegation should state how many civil servants were employed by the units and how many employees were not registered with the Social Insurance Fund. It should also elaborate on the private employment agencies mentioned in paragraph 137 of the replies to the list of issues. In particular, he wished to know how many had been set up and where foreign workers in the State party came from. The delegation should comment on reports that some agencies had been involved in the sexual exploitation of agricultural workers and that domestic workers were unable to change employer until their initial work permit had expired. With regard to human trafficking, he requested further details on the process of harmonizing domestic legislation with European Union (EU) law.

15. He asked how many shelters had been created for women victims of sexual exploitation, how long the average stay in such shelters was and whether victims continued to receive assistance from the State once their stay had ended. He wished to know the nationality of child victims of sexual exploitation and how many children had received follow-up care. The delegation should indicate whether the State party intended to amend its legislation to establish a system for identifying victims of exploitation and trafficking among the asylum seeking population.

16. He invited the delegation to respond to reports that: mosques in Cyprus were open for prayers only on Fridays; 30 mosques had been destroyed; Turkish Cypriot children

received no vocational training at school; the three cemeteries that could be used for Islamic funerals had no water supply, even though bathing the body was an essential part of the ritual; alcohol was sold next to certain mosques, leading to incidents in which believers had smashed shop windows; and a Turkish Cypriot association had submitted a request to manage Hala Sultan Tekke mosque. If such a request had been made, the delegation should state whether the Government was considering it.

17. Lastly, he noted that the low voter turnout among Turkish Cypriots in the European Parliament election of 2014 was due in part to an additional registration requirement that had not been communicated to the public in Turkish. He wished to know whether the State party planned to abolish the requirement so as to ensure compliance with articles 25 and 26 of the Covenant.

18. **Mr. Shany** asked whether the current number of crossing points was viewed as adequate and how the Government approached the issue of unauthorized crossing points, particularly those in or near the village of Pergamos. In that connection, he sought clarification on the nature of the disagreement that was preventing the United Nations Peacekeeping Force in Cyprus from opening new crossing points. He also wished to know whether the Committee on Crossings had met recently and, if not, why not.

19. He would welcome information on the State party's policy with regard to the recognition of driving licences issued by authorities in the northern part of the island, particularly licences held by non-EU spouses of Turkish Cypriots. He invited the delegation to explain how a policy of non-recognition could be compatible with article 12 of the Covenant, particularly in the case of settlers from Turkey and their descendants who had been born on the island.

20. He wished to know whether the State party had considered the recommendations made to it by the Special Rapporteur on freedom of religion or belief, whether exemptions from attending religious services were granted in primary education, whether exemptions from religious lessons implied that pupils could leave the classroom entirely and what follow-up had been given to the recommendation to discontinue the practice of performing confessions in schools. Regarding paragraph 23 of the list of issues (CCPR/C/CYP/Q/4), he noted that the State party had yet to specify the measures taken to support the religious education of non-Orthodox communities, including Muslim communities, in the southern part of the island, on the basis of voluntary participation.

21. He invited the delegation to respond to concerns that periods of alternative civilian service that exceeded the standard length of military service could amount to a form of punishment against conscientious objectors. The delegation should also comment on reports that persons under 18 could perform military service on a voluntary basis and state whether the Government felt a sense of duty to help protect the human rights of conscientious objectors in the northern part of the island.

22. Noting that the State party had failed to respond to the request for information in paragraph 30 of the list of issues, he asked who was responsible for addressing the Committee's recommendations and according to what time frame. The delegation should state whether the concluding observations were translated into Turkish and, if not, whether there were plans to do so. He urged the State party to strengthen the participation of civil society in the preparation of State party reports and the follow-up to concluding observations.

23. **Mr. de Frouville** asked what procedure was in place for juvenile offenders between the ages of 16 and 18. He requested more information on the implementation of child friendly justice principles under the new Juvenile Offenders Law.

24. **Mr. Seetulsingh** asked what measures were taken to protect the religious freedom of religious minorities. He expressed concern at reports of permission being denied for the construction of places of worship and burial grounds and requested further information in that regard. How were the religious affiliations of private school pupils and the adult population included in national statistics, given that questionnaires in that respect were distributed in public schools only? Were there plans to build a school for the Turkish Cypriot and Roma communities in Limassol, as had first been suggested in 2005? What measures were in place to provide targeted assistance to Roma pupils in schools, take into account their language needs and prevent them from dropping out?

25. **Ms. Cleveland** asked whether the Law on the Procedure for the Standardization of Geographical Names of the Republic had been applied, against whom, for what conduct and with what outcome. In the light of paragraph 35 of the Committee's general comment No. 34, which required that the action taken to restrict freedom of expression should be necessary and proportionate, she would like specific and individualized information regarding the manner in which the goals of public order and cultural identity were protected by that law and why those goals could not be achieved through a less restrictive measure. The European Union provided an example of such a measure, which, in the case of the State party, would entail using the official Greek name followed by the Turkish name of a particular place. What international precedents had the State party drawn on when drafting that law?

26. **Mr. Politi** asked whether statistics were available on crimes of complicity committed by young persons under 18 years and adults. Which court was competent to hear those cases and how was it ensured that juvenile offenders who were convicted of those crimes were detained separately from adults?

The meeting was suspended at 11.10 a.m. and resumed at 11.35 a.m.

27. **Ms. Koursoumba** (Cyprus) said that the Protection of Victims Law had entered into force and covered sexual exploitation. Given that the Green Line did not constitute an external European Union border, special regulations on the free movement of persons and goods had been established based on European Council Regulation No. 866/2004. Persons crossing the Green Line by vehicle were therefore required to present a drivers' licence in accordance with European Union legislation, which included drivers' licences that were admissible in other European Union member States. While the Turkish Cypriot authorities were aware of that requirement, they did not facilitate access to such documents for their population. Furthermore, the Cypriot authorities had submitted a proposal for the opening of a number of new crossing points, which had been rejected by the Turkish Cypriot side.

28. Under a policy of the Ministry of Education and Culture, requests from parents for their children to be exempt from religious education classes that went against their conviction should be accepted and those pupils should be provided with other suitable schoolwork. However, that policy was not effectively implemented in all establishments. In addition, despite the fact that the Commissioner for the Protection of Children's Rights had drawn up a comprehensive report recommending that religious confessions should not be conducted in schools, many institutions continued to do so.

29. Persons recognized as conscientious objectors could serve either 33 months of alternative social service or 24 months of alternative military service. The period of time served for alternative military service was shorter than that served for alternative social service owing to the more onerous tasks performed and the fact that the individual was away from home during his or her service. Applications were not examined individually and there had been no cases of appeals against decisions in that regard. When it had ratified the Optional Protocol to the Convention on the Rights of the Child related to the involvement of children in armed conflict in 2010, the State party had made a declaration

allowing the voluntary enlistment of citizens under 18 who had attained the age of 17 by the date of their recruitment in the armed forces. The Government had no control over the situation in that respect in the occupied part of the island.

30. The Committee's concluding observations would be forwarded to the Council of Ministers with recommendations concerning their implementation. The State party had developed its strategy and action plan for women on the basis of the concluding observations from the Committee on the Elimination of Discrimination against Women and further intended to draw on the recommendations from all treaty bodies to develop its policies. The concluding observations were not always translated into Turkish owing to a lack of resources in that area. The new Juvenile Offenders Law had been drafted on the basis of the European Union Guidelines on child friendly justice. It covered prevention of juvenile delinquency, training of specialist psychologists and lawyers, and alternative measures for court trials and punishments. Under the law, the deprivation of liberty of children was applied as a last resort when sentencing juvenile offenders.

31. Article 2 of the 1960 Constitution concerning religious and ethnic minorities in the State party had been incorporated into the Zurich Agreement of 1959 and was considered a basic article. As such, it could not be amended. After consultation with civil society in 2005, it had been decided that a school in Limassol exclusively for Turkish Cypriot children would not be built. All pupils attending public school in Cyprus were required to attend the establishment in their catchment area. Accordingly, the Ayios Antonios school in Limassol was attended primarily by children from the Turkish Cypriot and Roma communities living in that same area. The Commissioner for the Protection of Children's Rights had compiled an extensive report containing recommendations for the improvement of the school and support for the pupils and their families, which the Ministry of Education and Culture had accepted and would implement.

32. Amendments to the Law on the Procedure for the Standardization of Geographical Names of the Republic were in conformity with article 19 of the Covenant and were aimed at the protection of the cultural identity of the country. Changes had been made to the toponyms of some towns and villages in the occupied northern part of the island, which constituted an act of interference in the affairs of the State party and contravened United Nations resolutions concerning the standardization of geographical names. All the legal geographical names of the country were included in the Toponymic Gazetter, and had been submitted to the Fifth United Nations Conference on the Standardization of Geographical Names in 1987.

33. **Mr. Ignatiou** (Cyprus) recalled that the Green Line had been drawn up as a ceasefire demarcation and that the Cypriot Government was therefore not in a position to monitor observance of human rights in the occupied areas of the country. He emphasized that the Government had wanted additional crossing points but had been unable to negotiate them with the occupying Turkish military forces. It ensured freedom of religion and granted access to religious places for all persons who legally entered the territory, including through a Green Line crossing point, or who had legal residence in the country. It cooperated closely with the Special Rapporteur on freedom of religion or belief, who had recently made his third visit and had commended the State party for its interreligious dialogue. Lastly, negotiations between the Cypriot Government and Turkish leadership had been suspended following Turkey's violation of the island's exclusive economic zone.

34. **Ms. Andreou** (Cyprus), in response to a question concerning the complaints mechanism for migrant workers, reiterated the information contained in paragraphs 127 to 129 of the State party's replies to the list of issues (CCPR/C/CYP/Q/4/Add.1). Citing recent annual statistics, she said that out of a total of 962 complaints filed, 799 had concerned domestic workers, while 163 had involved agricultural workers. In 234 cases, the complaint had been resolved through the signing of a release agreement; in a further 21 cases, the

complainant had chosen to return to work with the original employer. Labour inspectors had conducted workplace inspections covering a total of 8,072 employees and had found 1,433 undeclared workers, of whom 35 per cent had been Cypriots, 50 per cent European Union (EU) nationals and 15 per cent non-EU nationals. Following a recent amendment to employment contracts, domestic workers were free to join a trade union of their own choice. The average length of stay in the State shelter for female victims of sexual exploitation was from two to four weeks. Victims were provided with advice and assistance by welfare officers in order to help them integrate into society.

35. **Ms. Argyropoulou** (Cyprus) said that a new anti-trafficking law had been enacted in order to introduce more effective procedures for processing complaints and to ensure that the perpetrators of trafficking were brought to justice. The law required victims to be treated with full respect for their rights and a fund to be established to cover, among other things, victims' legal costs. Provision had also been made for a mechanism to monitor implementation of the law and to propose further action to combat trafficking in persons. Furthermore, a multidisciplinary group against trafficking that included NGO representatives participated actively in implementing the law and cooperated with the Ministry of the Interior in organizing awareness-raising campaigns on trafficking for Asylum Service officials. The Government was currently reviewing admission criteria for the employment of domestic workers with a view to simplifying procedures and to better protecting their rights.

36. With regard to electoral rights, all Greek Cypriots and Turkish Cypriots residing in the areas under the effective control of the Government had to apply for inclusion on the electoral register. Legislation had recently been amended to provide for the automatic inclusion in electoral rolls of all Turkish Cypriots holding a Republic of Cyprus identity card with a declared address in the areas of Cyprus not under the effective control of the Government. In a very few exceptional cases, some such persons had not been allowed to vote in the most recent elections because they had been unable to produce a valid identity document or to provide proof of permanent residence.

37. **Ms. Dimitriou** (Cyprus), replying to a question about the recruitment of police officers, said that all Turkish Cypriots who met the required eligibility criteria could apply to join the force. One complaint of labour exploitation had been reported in 2014; following an investigation, the matter had been referred to the prosecution authorities. While there were no specific detention facilities for juveniles, steps were taken to ensure that juvenile detainees were held separately from adults and provided with a full range of purposeful activities. Participation by juveniles in out-of-cell activities together with adults was allowed on the strict condition that prison staff provided appropriate supervision.

38. **The Chairperson** said that he wished to make clear that members of the Committee were independent experts who served in their personal capacity and not as representatives of any government. The questions they asked were not political in nature but concerned the implementation of the Covenant.

39. **Mr. Shany** endorsed the Chairperson's comments. He asked for further clarification of government policy on the recognition of driving licences, since it did not appear to be completely consistent with EU regulations. He asked the delegation to comment on reports that strict Greek language proficiency tests acted as a barrier to recruitment into the civil service for minority groups, in particular Turkish Cypriots.

40. **Mr. Bouzid** said that he had not received replies to his questions about private employment agencies, Muslim cemeteries or the opening times of the Hala Sultan Tekke mosque.

41. **Mr. Seetulsingh**, noting that article 159 of the Cypriot Constitution stipulated that the composition of criminal courts should reflect the community membership of the parties

concerned, said that it was important that all citizens should be treated on an equal footing, regardless of their community affiliation. He wished to know whether it was indeed the case that Roma were able to move freely around Cyprus and, if so, what impact that had on their access to employment and education.

42. **Ms. Koursoumba** (Cyprus) said that the Government recognized all driving licences that were valid in EU member States. Recruitment into the civil service was open to all EU nationals, including Turkish Cypriots, whose rights were safeguarded by the Government. However, all public servants had to have a good command of the Greek language. The Roma were a nomadic community, but they were allowed to work in the Republic of Cyprus regardless of their place of residence provided that they had a Cyprus identity card. They received assistance from the Public Employment Services in finding appropriate employment and could take part in training programmes organized by the Human Resources Development Authority. The Government made conscious efforts to ensure that Roma children attended school, which was compulsory for all children up to the age of 16. The fees of minority children attending private schools were paid out of the State budget.

43. **Ms. Andreou** (Cyprus) said that in 2014 the Department of Labour had examined 24 complaints against private employment agencies. Seven complaints relating to illegal activities and labour exploitation had been referred to the police for further investigation. Two agencies had had their licences revoked for failing to comply with the law.

44. **Ms. Argyropoulou** (Cyprus) said that access to all mosques in government-controlled areas was regulated by the Muslim community. The Hala Sultan Tekke mosque had fixed opening and closing times because it also operated as a museum; however, it was accessible to all on a daily basis. The Dali mosque would also open daily as soon as necessary improvements to its facilities had been completed. The delegation would reply in writing to the question on Muslim cemeteries.

45. **Ms. Koursoumba** (Cyprus) thanked the Committee for the very constructive interactive dialogue that had taken place. Her Government looked forward to receiving the Committee's concluding observations, which would be submitted to the Council of Ministers. Recommendations made by the Committee would be given due consideration in the formulation of government policy. Despite the current economic difficulties affecting the State party, the Government was determined to continue its coordinated efforts to enhance, promote and safeguard the human rights of all people in Cyprus.

46. **The Chairperson** said that many of the issues that had been discussed during the dialogue with the State party, such as freedom of worship and freedom of conscience, had concerned the principle of non-discrimination, which was a cornerstone of international human rights law. The State party should take further steps to ensure effective protection of that principle through its public policies. With regard to historical cases of enforced disappearance, consideration should be given to extending the mandate of the Committee on Missing Persons in order to guarantee the rights of victims to truth, justice and reparation. With respect to questions related to the freedom of expression, it would be helpful for the State party to refer to the Committee's general comment No. 34 (CCPR/C/GC/34). The State party could submit any additional replies in writing to the Committee within 96 hours.

The meeting rose at 12.55 p.m.